

**MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, NOVEMBER 1, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
1:30 P.M.**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:30 p.m..

1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, October 25, 2005.**

MOTION: Heier moved and Schorr seconded approval of the minutes of the Board of Commissioners meeting dated October 25, 2005. Schorr, Stevens, Heier and Hudkins voted aye. Workman abstained from voting. Motion carried.

2) **SPECIAL PRESENTATIONS:**

A. The County-City Volunteer of the Month Award was presented to Gladys Jeurink for her services with the Lancaster County Cooperative Extension Office.

3) **CLAIMS: Approval of all claims processed through Tuesday, November 1, 2005.**

MOTION: Stevens moved and Workman seconded approval of all claims processed through November 1, 2005. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

- A. County Change of Zone No. 05063, from AG Agricultural District to AGR Agricultural Residential District, requested by Steven Schmidt, on property generally located southeast of the corner of North 105th Street and Alvo Road/Highway 34 in Lancaster County, Nebraska. (See New Business Item 6A for correlating documentation.)**

The Chair opened the public hearing and asked if anyone wished to speak in favor of the proposal.

The oath was administered to Steven Schmidt, 7000 North 105th Street, Malcolm, Nebraska.

Schmidt stated he owns 20 acres and that he would like to re-zone them to AGR Agricultural Residential to allow his son to purchase the south ten acres for construction of a home. He added that none of the neighbors voiced any objections.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

- B. County Special Permit No. 04055, Four Stones Community Unit Plan, requested by Matt Langston of ESP on behalf of Craig Gana, to develop fourteen residential acreage units on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road in Lancaster County, Nebraska. (See New Business Item 6B for correlating documentation.)**

- C. County Preliminary Plat No. 04025, Four Stones, requested by Matt Langston of ESP on behalf of Craig Gana, to develop 14 residential acreage lots and four outlots on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road in Lancaster County, Nebraska. (See New Business Item 6C for correlating documentation.)**

It was noted for the record that the attorney for the applicant requested a one week deferral.

4) **PUBLIC HEARINGS CONTINUED:**

Kerry Eagan, Chief Administrative Officer, indicated Kent Seacrest's office, attorney for applicant, had called requesting a one week deferral. He explained that the Clerk's Office did not receive their letter requesting deferral until after the notice of public hearing was published in the paper. He indicated that the Board could proceed with opening the hearings to allow any testimony today and then recess the hearings for one week.

The Chair opened the public hearings and asked if anyone wished to provide testimony in favor, opposition or in a neutral position.

No one appeared and the hearings were recessed for one week.

5) **OLD BUSINESS:**

A. A resolution in the matter of County Special Permit No. 05038, requested by Lyle Loth of ESP on behalf of Richard and Connie Roush and Gary and Darcie Kvasnicka, to construct dwellings within 1,320 feet of a public lake on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (R-05-0135)

B. A resolution in the matter of County Special Permit No. 05039, Wagon Estates Community Unit Plan, on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (R-05-0136)

C. A resolution in the matter of County Preliminary Plat No. 05013, Wagon Train Estates, on property generally located northeast of the corner of South 96th Street and Wagon Train Road in Lancaster County, Nebraska. (R-05-0137)

Board consensus was to read Old Business Items 5A through 5C together.

Schorr indicated she would not be participating in the discussion or be voting because the applicants are represented by legal counsel who are law partners of her husband.

5) **OLD BUSINESS CONTINUED:**

Charles Humble, attorney representing applicants, appeared and submitted the following documents into the record:

- ▶ Motion to amend Resolution regarding Preliminary Plat No. 05013 (Exhibit 1)
- ▶ Motion to amend Resolution R-05-0135 (Exhibit 2)
- ▶ Motion to amend Resolution 05-0136 (Exhibit 3)

Humble stated the applicants would be willing to compromise and decrease the number of lots from six to five, increase the setback on the north side of Lots 3, 4 and 5 from 200 to 300 feet and combine the shared driveway for Lots 4 and 5.

In response to a question asked by Hudkins, Humble stated they would follow procedures set forth by the City-County Health Department. If water quality and quantity standards are not met and approved by the Health Department, the applicants would connect to rural water at their expense.

Carrie Grell, Nebraska Game and Parks Commission, appeared and suggested that a covenant be added which would stay with the property indicating the landowner(s) grant permission for hunters to hunt within the 200 yards or up to the property line of the State property.

Heidi Hornung-Scherr, 10000 Wagon Train Road, Hickman, Nebraska, appeared and stated she felt the setback of 300 feet was a good compromise, however, she continues to be concerned about water quality/quantity and inadequacies on the site map, such as incorrect lot sizes and no notes.

DaNay Kalkowski, attorney representing a group of users and those interested in protecting the lake, urged the Board to request a setback of 385 feet.

Discussion took place regarding lot size, vegetative buffer and setback.

Humble urged the Board to determine the number of lots and request the County Attorney's Office prepare revised resolutions for approval at a future meeting.

Mike DeKalb, Planning Department, suggested that along with revised resolutions, the applicants also submit a revised plat with notes and setback lines.

Humble indicated they would provide that documentation.

Kristy Mundt, Deputy County Attorney, suggested she would work off of the applicants' motion to amend and include a site specific condition regarding a shared driveway between Lots 4 and 5.

5) **OLD BUSINESS CONTINUED:**

MOTION: Heier moved and Hudkins seconded to direct the County Attorney's Office to work with the Planning Department and Richard and Connie Roush and Gary and Darcie Kvasnicka in revising resolutions relating to County Special Permit No. 05038, County Special Permit No. 05039 and County Preliminary Plat No. 05013 to include the following: amendments as proposed by the applicants, a site specific condition regarding a shared driveway between Lots 4 and 5 and a revised site plan. Heier, Workman and Hudkins voted aye. Stevens voted no. Schorr abstained from voting. Motion carried.

6) **NEW BUSINESS:**

A. A resolution in the matter of County Change of Zone No. 05063, from AG Agricultural District to AGR Agricultural Residential District, requested by Steven Schmidt, on property generally located southeast of the corner of North 105th Street and Alvo Road/Highway 34 in Lancaster County, Nebraska. (R-05-0140)

Extensive discussion took place regarding possible alternatives, such as transfer of development rights.

MOTION: Stevens moved and Workman seconded to place on pending Resolution 05-0140 in the matter of County Change of Zone No. 05063, from AG Agricultural District to AGR Agricultural Residential District, requested by Steven Schmidt, on property generally located southeast of the corner of North 105th Street and Alvo Road/Highway 34. Heier, Stevens, Schorr, Workman and Hudkins voted aye. Motion carried.

B. A resolution in the matter of County Special Permit No. 04055, Four Stones Community Unit Plan, requested by Matt Langston of ESP on behalf of Craig Gana, to create 14 residential acreage units and four outlots on property generally located in the mile section bounded by Southwest 14th Street to Southwest 29th Street and West Stagecoach Road to West Panama Road in Lancaster County, Nebraska. (R-05-0138)

6) **NEW BUSINESS CONTINUED:**

C. A resolution in the matter of County Preliminary Plat No. 04025, Four Stones, requested by Matt Langston of ESP on behalf of Craig Gana, for 14 residential acreage lots and four outlots on property generally located in the mile section bounded by Southwest 14th Street and Southwest 29th Street and West Stagecoach to West Panama Road in Lancaster County, Nebraska. (R-05-0139)

MOTION: Stevens moved and Heier seconded to defer New Business Items 6B and 6C for one week. Stevens, Workman, Heier, Schorr and Hudkins voted aye. Motion carried.

D. A grant contract with Lincoln Action Program, Inc. for management of "The HUB" Project, a transitional services network for disconnected youth/young adults ages 16 to 21, in the amount of \$117,549. Term of the grant contract is July 1, 2005 through September 30, 2006. Lincoln Action Program will contribute \$10,000 in matching funds. (C-05-0533)

MOTION: Schorr moved and Stevens seconded approval of a grant contract with Lincoln Action Program, Inc. for management of "The HUB" Project, a transitional services network for disconnected youth/young adults ages 16 to 21, in the amount of \$117,549. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

E. A grant contract with the City of Lincoln, Nebraska (Lincoln Police Department) for funding for the Lincoln Police Department's Domestic Violence Specialist positions, in the amount of \$33,961. Term of the grant contract is July 1, 2005 to June 30, 2006. The City of Lincoln will contribute \$11,320 in matching funds. (C-05-0534)

MOTION: Stevens moved and Workman seconded approval of a grant contract with the City of Lincoln, Nebraska (Lincoln Police Department) for funding for the Lincoln Police Department's Domestic Violence Specialist positions, in the amount of \$33,961. Stevens, Schorr, Heier, Workman and Hudkins voted aye. Motion carried.

F. A grant contract with the Hispanic Community Center for funding for the Open Door Program, in the amount of \$2,500. Term of the grant contract is July 1, 2005 to June 30, 2006. (C-05-0535)

This item was held at the request of Kit Boesch, Human Services Administrator.

6) **NEW BUSINESS CONTINUED:**

G. A nutrition services computer access application and agreement with the Nebraska Department of Education Nutrition services for authorization to allow Alicia Boss of the Youth Services Center to file reimbursement claims for the Child Nutrition Program. The County participates in the Child Nutrition Program under County Contract No. C-01-0278. (C-05-0536)

MOTION: Heier moved and Stevens seconded approval of a nutrition services computer access application and agreement with the Nebraska Department of Education Nutrition services for authorization to allow Alicia Boss of the Youth Services Center to file reimbursement claims for the Child Nutrition Program. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

H. A quitclaim deed between the Lancaster County Engineering Department and Colleen and Jim Burden, in the amount of \$2,000, for surplus land located near 7000 Northwest 27th Street in Lancaster County, Nebraska.

MOTION: Heier moved and Stevens seconded approval of a quitclaim deed between the Lancaster County Engineering Department and Colleen and Jim Burden, in the amount of \$2,000, for surplus land located near 7000 Northwest 27th Street in Lancaster County, Nebraska. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

I. Authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund to the following payees:

- ▶ **Progressive Construction Company, L.L.C., in the amount of \$42,321.93 for the County Sheriff's vehicle storage garage**
- ▶ **Metroplex Control Systems, in the total amount of \$145,800 for the Corrections security upgrade**

Total payment request is \$188,121.93.

MOTION: Workman moved and Heier seconded approval of the authorization of Wells Fargo Bank, as trustee, to disburse and make payment from the Lancaster County Limited Tax Building 2004 Construction Fund, in the total amount of \$188,121.93. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

7) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. Receive and Place on File:

- 1. County Attorney's Quarterly from July 1, 2004 to September 30, 2004.**
- 2. County Treasurer's Report on 2004 Distress Warrants.**

B. Requests from the following individuals to voluntarily participate in the Lancaster County Retirement Plan, having met the requirements:

- ▶ **Carrie A. Lovett, with Lancaster Manor**
- ▶ **Andrea Tatro, with Lancaster Manor**
- ▶ **Johnny L. Pitts, Jr., with the Lancaster County Sheriff's Office**
- ▶ **Keith J. White, with the Lancaster County Engineering Department**

C. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following individuals:

- ▶ **Lester C. and Violet Brady on Olive Creek Road west of South 176th Street; Project No. C.P.Y-169. This is a donation. (C-05-0537)**
- ▶ **Larry W. Coffey on West McKelvie Road west of Northwest 40th Street; Project No. C.P.F-240. This is a donation. (C-05-0538)**
- ▶ **Hazel E. Hutchinson and Donna Seefeld near North 112th Street and Waverly Road; Project No. C.P.G-181. This is a donation. (C-05-0539)**
- ▶ **Jeffrey and Deborah Chinnow, in the amount of \$127, on Olive Creek Road west of South 176th Street; Project No. C.P.Y-169. (C-05-0540)**
- ▶ **Roy L. Hansmeyer, in the amount of \$667, at Southwest 100th Street and Panama Road; Project No. C.P.V-58. (C-05-0541)**
- ▶ **Chad M. Lechtenberg, in the amount of \$127, on West Little Salt Road east of Northwest 12th Street; Project No. C.P.C-297. (C-05-0542)**
- ▶ **Louis G., Louis L. and Leslie L. Matulka, in the amount of \$92, on West Little Salt Road east of Northwest 12th Street; Project No. C.P.C-296. (C-05-0543)**
- ▶ **Raymond and Wilma D. Kettelhut, in the total amount of \$147, on Yankee Hill Road west of South 190th Street; Project C.P.Q-152. (2 contracts) (C-05-0544 and C-05-0545)**

MOTION: Schorr moved and Workman seconded approval of the Consent Items. Workman, Schorr, Heier, Stevens, Hudkins voted aye. Motion carried.

8) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Commissioners meeting at 3:27 p.m.. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk

**MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, NOVEMBER 1, 2005
COUNTY COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS
MEETING**

Commissioners Present: Larry Hudkins, Chair
Deb Schorr, Vice Chair
Bernie Heier
Ray Stevens
Bob Workman

Others Present: Norm Agena, County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Bruce Medcalf, County Clerk
Kristy Mundt, Deputy County Attorney
Trish Owen, Chief Deputy County Clerk
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 3:27 p.m..

1) **MINUTES: Approval of the minutes of the Board of Equalization meeting held on Tuesday, October 25, 2005.**

MOTION: Heier moved and Workman seconded approval of the minutes of the Board of Equalization meeting dated October 25, 2005. Schorr, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

2) **ADDITIONS AND DEDUCTIONS:**

Approval of 541 additions and deductions to the tax assessment rolls per Attachment "A".

MOTION: Heier moved and Schorr seconded approval of the additions and deductions to the tax assessment rolls. Workman, Schorr, Heier, Stevens and Hudkins voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Blessed Sacrament Parish and School

MOTION: Stevens moved and Workman seconded approval of a motor vehicle tax exemption for Blessed Sacrament Parish and School. Heier, Workman, Stevens, Schorr and Hudkins voted aye. Motion carried.

4) **REMOVAL OF 2005 EXEMPTION FOR THE FOLLOWING:**

**American Historical Society of Germans from Russia
Mount Olive Evangelic Lutheran Church**

Norm Agena, County Assessor/Register of Deeds, recommended the exemptions for 2005 be removed for the American Historical Society of Germans from Russia and Mount Olive Evangelic Lutheran Church. He added that both properties were sold to non-exempt organizations.

MOTION: Heier moved and Workman to accept the recommendation of the County Assessor/Register of Deeds and remove the exemption for 2005 for the American Historical Society of Germans from Russia and Mount Olive Evangelic Lutheran Church. Workman, Stevens, Schorr, Heier and Hudkins voted aye. Motion carried.

5) **NOTICE OF ASSESSED VALUATION CHANGE FOR PROPERTY TAXATION PURPOSES FOR THE FOLLOWING:**

**Bruce R. and Stephanie A. Drawbaugh
John F. and Andrea K. Schleich**

Agena gave a brief explanation of the notices indicating the property owners have 30 days to protest the valuation after receipt of the notice.

MOTION: Schorr moved and Stevens seconded to accept the recommendation of the County Assessor/Register of Deeds to send notices of assessed valuation change for property taxation purposes to Bruce R. and Stephanie A. Drawbaugh and John F. and Andrea K. Schleich. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

6) **ADJOURNMENT:**

MOTION: Schorr moved and Stevens seconded adjournment of the Board of Equalization meeting at 3:30 p.m.. Heier, Workman, Schorr, Stevens and Hudkins voted aye. Motion carried.

Bruce Medcalf
County Clerk